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PATENTS
Attorney Docket No. 36119-126

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Carl June *et al.*

Art Unit: 1644

Serial No.: 09/027,205

Examiner: J. Roark

Filing Date: February 20, 1998

Title: **Methods for Modulating Expression of an HIV-1 Fusion Cofactor**

BOX AF

Assistant Commissioner for Patents
Washington, DC 20231

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that the attached papers are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label EL703504372US under 37 C.F.R. § 1.10 on April 9, 2002 addressed to: **BOX AF**, Assistant Commissioner for Patents, Washington, D.C.

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Teresa Carvalho

**DECLARATION UNDER 37 C.F.R. § 1.132
(In Re Katz Declaration)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Carl H. June, Ph.D., declare the following:

1. I am an applicant of the above-identified patent application and a co-inventor of the subject matter described and claimed therein.
2. I am the inventor of the subject matter described and claimed in this application for the methods directed to downregulating HIV-1 fusion cofactor expression in a T cell,

by contacting the T cell with a solid phase surface comprising an anti-CD28 antibody and an anti-CD3 antibody.

3. I am one of twelve co-authors of a journal article entitled "Antiviral effect and ex vivo CD4+ T cell proliferation in HIV-positive patients as a result of CD28 costimulation" by Bruce L. Levine, Joseph D. Mosca, James L. Riley, Richard G. Carroll, Maryanne T. Vahey, Linda L. Jagodzinski, Kenneth F. Wagner, Douglas L. Mayers, Donald S. Burke, Owen S. Weislow, Daniel St. Louis, and myself published in *Science*, vol. 272:1939-1942 (1996). The work described in the Levine *et al.* paper cited by the Examiner against this patent application describes our own work.

4. While Bruce L. Levine, Joseph D. Mosca, Maryanne T. Vahey, Linda L. Jagodzinski, Kenneth F. Wagner, Douglas L. Mayers, Donald S. Burke, Owen S. Weislow were named as co-authors for their technical assistance to the experiments described in the Levine *et al.* paper, they did not contribute to the conception of the claimed invention. For that reason, they are not named as co-inventors on the patent application.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Carl H. June, Ph.D.